

BARSHAY SANDERS, PLLC

100 Garden City Plaza, Suite 500

Garden City, New York 11530

Tel: (516) 203-7600

Fax: (516) 706-5055

Email: *ConsumerRights@BarshaySanders.com*

Attorneys for Plaintiff

Our File No.: 110658

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

NICOLE ALEXANDER,

Plaintiff,

vs.

MRS BPO, LLC and VIKING CLIENT
SERVICES, INC.,

Defendants.

Docket No:

COMPLAINT

JURY TRIAL DEMANDED

NICOLE ALEXANDER (hereinafter referred to as “*Plaintiff*”), by and through the undersigned counsel, complains, states and alleges against MRS BPO, LLC (“MRS”) and VIKING CLIENT SERVICES, INC. (“VCS”) (hereinafter collectively referred to as “*Defendants*”), as follows:

INTRODUCTION

1. This action seeks to recover for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, (“FDCPA”).

JURISDICTION AND VENUE

2. This Court has federal subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).

3. Venue is proper under 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to the claim occurred in this Judicial District.

4. At all relevant times, Defendants conducted business within the State of New York.

PARTIES

5. Plaintiff is an individual who is a citizen of the State of New York.

6. Plaintiff, a “consumer” as defined by 15 U.S.C. § 1692a(3), is allegedly obligated to pay certain debts.

7. On information and belief, Defendant Mrs.’s principal place of business is located in Cherry Hill, New Jersey.

8. On information and belief, Defendant VCS's principal place of business is located in Eden Prairie, Minnesota.

9. Defendants are regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

10. Defendants are person who use an instrumentality of interstate commerce or the mails in a business the principal purpose of which is the collection of debts, or who regularly collect or attempt to collect, directly or indirectly, debts owed or due or asserted to be owed or due another, and are therefore “debt collectors” as defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS

11. Plaintiff’s alleged debts were primarily for personal, family or household purposes and are therefore “debts” as defined by 15 U.S.C. § 1692a(5).

12. Sometime after the incurrence of the debts, but before the initiation of this action, Plaintiff is alleged to have fallen behind on payments allegedly owed on the alleged debts.

13. At a time known only to Defendants, Plaintiff’s alleged debts were assigned or otherwise transferred to Defendants for collection.

14. In its efforts to collect one alleged debt, Defendant MRS contacted Plaintiff by letter dated August 3, 2015. (“Exhibit 1.”)

15. In its efforts to collect one alleged debt, Defendant VCS contacted Plaintiff by letter dated March 7, 2016. (“Exhibit 1.”)

16. Defendants’ letters are “communications” as defined by 15 U.S.C. § 1692a(2).

17. As set forth in the following Counts, Defendants’ letters violated the FDCPA.

FIRST COUNT
Violation of 15 U.S.C. § 1692e
AS TO DEFENDANT MRS

18. Plaintiff repeats and realleges the foregoing paragraphs as if fully restated herein.

19. 15 U.S.C. § 1692e prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of any debt.

20. § 1692e requires debt collectors, when they notify consumers of their account balance, to disclose whether the balance may increase due to interest and fees. *Avila v. Riexinger & Associates, LLC*, 817 F.3d 72, 76 (2d Cir. 2016).

21. Defendant MRS's letter to Plaintiff sets forth a "Principal Balance" of \$1,790.17.

22. Defendant MRS's letter to Plaintiff fails to disclose whether the balance may increase due to interest and fees.

23. Defendant MRS has violated § 1692e by its failure to disclose whether Plaintiff's balance may increase due to interest and fees.

SECOND COUNT
Violation of 15 U.S.C. § 1692e
AS TO DEFENDANT VCS

24. Plaintiff repeats and realleges the foregoing paragraphs as if fully restated herein.

25. 15 U.S.C. § 1692e prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of any debt.

26. § 1692e requires debt collectors, when they notify consumers of their account balance, to disclose whether the balance may increase due to interest and fees. *Avila v. Riexinger & Associates, LLC*, 817 F.3d 72, 76 (2d Cir. 2016).

27. Defendant VCS's letter to Plaintiff sets forth an "Account Balance" of \$19,171.55.

28. Defendant VCS's letter to Plaintiff fails to disclose whether the balance may increase due to interest and fees.

29. Defendant VCS has violated § 1692e by its failure to disclose whether Plaintiff's balance may increase due to interest and fees.

JURY DEMAND

30. Plaintiff hereby demands a trial of this action by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

- a. Statutory damages of \$1,000.00 against Defendant MRS pursuant to 15 U.S.C. § 1692k; and
- b. Statutory damages of \$1,000.00 against Defendant VCS pursuant to 15 U.S.C. § 1692k; and
- c. Plaintiff's attorneys' fees pursuant to 15 U.S.C. § 1692k; and
- d. Plaintiff's costs; all together with
- e. Such other relief that the Court determines is just and proper.

DATED: June 20, 2016

BARSHAY SANDERS, PLLC

By: /s/ Craig B. Sanders
BARSHAY SANDERS, PLLC
100 Garden City Plaza, Suite 500
Garden City, New York 11530
Tel: (516) 203-7600
Fax: (516) 706-5055
csanders@barshaysanders.com
Attorneys for Plaintiff
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GARDEN CITY, NEW YORK 11530